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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bill was introduced in Lok Sabha on the 28th August, 1970:—

BILL NO. 90 OF 1970

*A Bill further to amend the High Court Judges (Conditions of Service) Act, 1954.*

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1970.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

28 of 1954.

2. In section 2 of the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the principal Act), in sub-section (*1*), in sub-clause (*ii*) of clause (*h*), for the words "one month", the words "forty-five days" shall be substituted.

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (*1*), for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) leave on full allowances (including commuted leave on half allowances into leave on full allowances on medical certificate); or".

Amendment of section 5.

4. In section 5 of the principal Act, in sub-section (*3*), for the words "The maximum period of leave which may be granted", the words, brackets, figures and letter "Subject to the provisions of sub-section (*2*) of section 5A, the maximum period of leave which may be granted" shall be substituted.

Insertion of new section 5A.

**5. After section 5 of the principal Act, the following section shall be inserted, namely:—**

Commutation of leave on half allowances into leave on full allowances.

**"5A. (*1*) Notwithstanding anything contained in sub-section (*2*) of section 5, a Judge may be permitted to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum of three months during the whole period of his service as a Judge.**

**(*2*) In computing the maximum period of leave on full allowances which may be granted at one time to a Judge under sub-section (*3*) of section 5, the amount of commuted leave permitted to him under this section shall not be taken into account.".**

Amendment of section 9.

**6. In section 9 of the principal Act, in sub-section (*1*), for the words "for the first month of such leave", the words "for the first forty-five days of such leave" shall be substituted.**

## STATEMENT OF OBJECTS AND REASONS

Under the High Court Judges (Conditions of Service) Act, 1954, when a High Court Judge avails of leave on full allowances, he can draw full salary (equal to monthly rate of pay) for the first month and leave allowance at the rate of Rs. 2,220 per month for the rest of such leave. It has been represented that this provision is too restrictive and causes hardship. It is accordingly proposed that as in the case of Supreme Court Judges, the High Court Judges may also be allowed full salary (equal to monthly rate of pay) for the first 45 days of leave on full allowances.

At present there is no provision for the grant of "commuted leave" to a High Court Judge with the result that if a Judge is forced to take long leave on grounds of ill-health, he has to avail of leave on half allowances during which period he is entitled to an allowance at the rate of Rs. 1,110 per month only. To give some relief in such cases, it is proposed to extend to the Judges of the High Courts the facility of commuting leave on half allowances into leave on full allowances on medical certificate up to a maximum period of three months during the entire service as Judge, on the analogy of the provision for "commuted leave" obtaining in the case of Central Government employees.

The Bill seeks to amend the High Court Judges (Conditions of Service) Act, 1954 to achieve the above objectives.

NEW DELHI; RAM NIWAS MIRDHA.

*The 12th August,* 1970.

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## PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 19/3/69-Judl. III(iv), dated the 13th August, 1970 from Shri Ram Niwas Mirdha, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the High Court Judges (Conditions of Service) Amendment Bill, 1970, recommends the introduction and consideration of the Bill in the Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

## FINANCIAL MEMORANDUM

Clause 5 of the Bill makes provision enabling a High Court Judge to commute leave on half allowances into leave on full allowances on medical certificate up to a maximum period of three months during the entire period of his service as a Judge. The monthly rate of allowance payable to a Judge during leave on half allowances is Rs. 1,110; during leave on full allowances according to section 9 of the Act as proposed to be amended by clause 6 of the Bill, a Judge will be entitled to draw full salary (equal to monthly rate of pay) for the first 45 days instead of one month as at present and leave allowance at the rate of Rs. 2,220 per month for the rest of such leave. If commuted leave is taken in spells of less than 45 days, the monthly allowance will be Rs. 4,000 for a Chief Justice and Rs. 3,500 for any other Judge. Since only six months of leave on half allowances can be converted into leave on full allowances, the additional expenditure per Judge, other than the Chief Justice, would be Rs. 3,500 *minus* Rs. 2,220, *i.e.* Rs. 1,280 for each month of commuted leave or Rs. 3,840 for the entire period of three months commuted leave.

2. Under clause 6 of the Bill which seeks to amend section 9 of the Act, a High Court Judge will be entitled to leave allowance at monthly rate of his pay for the first 45 days instead of one month as at present. The additional expenditure involved is Rs. 640 on each occasion when leave on full allowances for more than 45 days is taken.

3. The additional expenditure in respect of Judges of High Courts except the Delhi High Court will be a charge on the Consolidated Fund of the States. So far as the Delhi High Court is concerned, assuming that all the 13 permanent Judges of that High Court will avail of commuted leave, the total expenditure will be of the order of Rs. 49,920; the average period of service of a Judge of the Delhi High Court being 10 years, the annual recurring expenditure for that High Court will be about Rs. 5,000.

4. There will be no non-recurring expenditure.

S. L. SHAKDHER,
*Secretary.*

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